





The General Assembly of Kentucky will meet again on Wednesday, 12th inst., and, in all probability, will adjourn to meet again during the present year, after considering the various important measures now demanded by the peculiar condition of the country. During the session of the Legislature the Yeoman will be issued Weekly and Daily, containing full and accurate reports of the legislative proceedings of the preceding week and day, in addition to the latest news by telegraph and otherwise. During the recess of the Legislature, the Yeoman is issued Weekly and Tri-Weekly.

**TERMS.**  
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**Laws of Kentucky.**  
The Public Acts, passed at the September and November sessions of the Legislature, 1861, are now printed, and for sale at this office. Price fifty cents.

Extra copies of THE DAILY YEOMAN can be supplied (put up in wrappers ready for mailing) at the rate of \$3 per hundred. All orders for papers should be given the day before the issue of the particular number of the paper which is wanted.

Under the heading of "The Insult of the London Times to Mason and Slidell," the Richmond Enquirer indulges in the following explosion of wrath, showing that the Southern love for that "silly animal, John Bull," is not overpowering:

"All our news from Europe comes to us through the Northern sieve. The United States papers extract what pleases them, and most favor their cause. We have thus been treated to some very ill-mannered sentences from the London Times, touching the personal reception which should be accorded to Messrs. Mason and Slidell. We trust that the editor has had reason to understand, ere this, that our Commissioners, or 'fellows,' as he so politely calls them, do not appear at the English court as supplicants. They are there in the name of a great organized community, simply to demand that recognition which, under the usages and conventions long recognized among civilized nations, England is required by her duty to accord. They are there to demand our rights under the rules which England herself has admitted to be just and binding. They are there to show that our stand has been taken as a separate people, and that our independence has been established against all opposers. They are there to show that the obligations of civilized nations have been disregarded by our enemy, and that the commerce of the world has been wronged by their proceedings.

England may dishonor herself if she will. She may prove false to her duty as a nation. Thank Heaven! we are not dependent upon her, and her course will not affect ours. But it so happens she cannot wrong us without injuring her own people. Her welfare is so interwoven with ours at this time, that they must stand or fall together. What we demand of her rests upon its justice alone, though that should be sufficient, but she is prompted to compliance by the concurrence of her urgent interest with her honorable duty.

We, therefore, confidently expect of England an early compliance with our application; while, at the same time, we shall feel that we shall not in the least have compromised our independence. We shall owe her no homage and if grateful, we shall perform to us this act of justice gracefully, whatever the ruling motive, we should owe her good will, and the disposition to cultivate friendly and intimate relations; but such speeches as the London Times is reported to have uttered would neutralize all such sentiments. John Bull is a silly animal, we know; but such gratuitous rudeness shows a want of practical sense as well as good manners.

Rev. O. D. Miller, of Nashua, N. H., who says he has been a spiritualist medium for nearly eleven years, writes to the Christian Freeman of the 31st ult., that seeing no prospect of good resulting from spiritualism, and that it has been the source of a great deal of suffering and harm to him, he has thought it his duty to renounce it, and hopes others may profit by his sad experience. Further, he enters his solemn protest against it, as fraught with much evil to the community.

**SECRETARY CHASE'S "MALICIOUSNESS."**—The long-haired, lean-limbed, whining-voiced, and fanatic-brained Hutchinson family were recently expelled from the lines of the Federal army by the Commanding General, for singing songs of an abolition and incendiary character. The Washington correspondent of the N. Y. Commercial writes that Mr. Secretary Chase has taken the lauds to his bosom:

The announcement in the newspapers that the Hutchinsons were to be at Secretary Chase's party last night, and would sing the anti-slavery song which led to their expulsion from the camp, as mischief-makers, kept many away. The song so unacceptable to the generals, was sung, applauded, and encouraged—so says the Republican newspaper of this morning.

**OWEN COUNTY.**—We are authorized to announce A. J. Mason, Esq., a candidate for County Judge of Owen county, at the next August election.

Chief Justice Stites delivered the opinion of the court. On the 24th of May, 1861, the General Assembly passed an act entitled, "An act to suspend the circuit and other courts in this Commonwealth, and for other purposes," which provided that it should take effect from its passage.

The first section of this act reads as follows, viz:

§ 1. That all laws requiring circuit courts, equity and criminal courts, quarterly courts, justice courts, and all police, town, and city courts, except for the trial of criminal and penal causes in this Commonwealth, be, and they are hereby, repealed until the first day of January, 1862: Provided, That after the expiration of said time, said courts shall be held and governed by all the laws now in force: And provided further, That all civil process of every kind, returnable to said terms shall be continued until the next regular term of said courts, after the first day of January, 1862; and nothing herein contained shall be construed so as to interfere in any manner whatever with the trial of criminal and penal causes in said courts at their regular terms, as though this act had not taken effect: And provided further, That the circuit court of Boyle county, be held at its regular August term for the trial of all contested cases remaining on the docket of said court at the February term, 1861. That the several terms of said courts and circuit courts shall hold the terms of their several courts at the times now fixed by law for the trial of criminal and penal prosecutions, and for the purpose of the assignment of dower, for the trial of cases of divorce, for the probate of wills, for making the partition of land, ordering the distribution of estates ratable among the creditors, and for the trial of actions of tort, actions of forcible entry and detainer, and forcible detainer, and cases where the title to land or other property is in dispute, or where the boundary of land is involved, or a party is seeking to establish or complete, by judgment or order of court, title to lands, and all causes between principal and agent, between trustees and cestui que trust, and for all other cases of law or equity where a decree or judgment for money is not to be rendered, and for the taking of all proper steps for the preparation of cases in said courts.

In April, 1861, appellee brought his action against appellant upon a promissory note which had matured in March before, and at the May term, 1861, of the Scott circuit court, just five days after the enactment of the foregoing law, a judgment was rendered in said action against the appellant for the sum of ten thousand dollars—the amount of the note not controverted. From that judgment he has appealed, and the only question to be considered is, whether the circuit court had power notwithstanding said law, to render the judgment complained of.

The ground relied on in support of the judgment and action of the circuit court is, that the section of the act just cited is unconstitutional and void. It is said that it is in violation of the following provisions of the State Constitution, section 37 of article 2, which declares that:

"No law enacted by the General Assembly shall relate to more than one subject, and that shall be expressed in the title thereof."

Section 15, of article 13, which declares, "That all courts shall be open, and every person, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law; and right and justice shall be administered without sale, denial, or delay."

Section 20, same article, which provides "That no ex post facto law, nor any law impairing contracts, shall be made."

And that it also violates section 10 of article 1, of the Federal Constitution, which forbids a State from entering laws impairing the obligation of contracts, and is opposed to the general spirit and intent of both State and Federal Constitutions.

1. The meaning and effect of section 37, article 2, of our State Constitution, supra, has been determined by this court in several cases, (Chiles v. Drake; Phillips v. Covington and Cincinnati Bridge Company, and Louisville and Oldham turnpike road company v. Ballard, 22 Metcalf, 149, 168, 219.)

The rule is, that the section should receive a reasonable and not a technical construction; and that no provision of a statute relating, directly or indirectly, to the subject expressed in the title, having a natural connection therewith, and not foreign to the same, should be deemed within the constitutional inhibition.

In view of this rule, the propriety of which cannot be doubted—there is but little difficulty in disposing of the first point.

The subject of the law—the matter concerning which the General Assembly acted, was the courts—the circuit and other courts of the State; one general subject, but divisible into several classes, each, however, connected with and akin to the other, and relating to the matter expressed in the title.

That the first section, with which alone we have now to do, relates to the subject of the title, is not open to dispute. It is but little difficulty in disposing of the first point.

In Phillips v. Covington and Cincinnati Bridge Company, supra, the title of the act was, "An act to amend the charter of the Covington and Cincinnati Bridge Company." It was objected that a section thereof, which authorized the city of Covington to take stock in the bridge company, and to raise means for its payment, was incongruous with the title, and therefore void. It was held otherwise, and the section was sustained, because it related to the bridge company—the subject of the title. And the same principle was, in effect, enunciated in Chiles v. Drake, and Louisville and Oldham turnpike road company v. Ballard, already cited.

That more appropriate words might, in this case, have been selected to denote the subject-matter of the act, cannot be denied; but the failure to select or use such terms, cannot affect the validity of the act or section, provided its subject-matter, as here is sufficiently indicated by the language of the title.

Nor do we think that section 14, of article 13, of the State Constitution, supra, has been violated by the section of the act in question.

This provision is found in the bill of rights. It prescribes certain general duties for the courts of the State, and also lays down general rules for the manner of conducting their business, the effect of which may be thus stated: They are to be held in an open and public manner, and their proceedings are not to be secret, or concealed from public view. 2. They are to administer justice without sale—that is, they are not to accept compensation from litigants; and 3. They are not to deny any one a fair trial, nor to delay the same, except upon sufficient legal grounds for continuance.

The terms and import of this provision show that it relates altogether to the judicial department of the government, which is to administer justice "by due course of law," and that the legislative department, by which such "due course" may be prescribed. Any other construction would make it inconsistent with other clauses of the Constitution, and, in fact, render it practically absurd.

To say, for instance, that it demands that courts shall be constantly in session, would virtually deny to the Legislature the power to fix the terms of the several courts through-

out the State—a power indispensably necessary for the performance of other duties expressly enjoined upon that body by sections 16 and 19 of article 4, to-wit: to establish circuit courts in each county, to divide the State into judicial districts, having due regard to business, population, and territory; because, with the number of circuit judges, limited as it is by the Constitution, it would be impossible so to arrange the judicial districts as to establish a circuit court in each of the one hundred counties of the State, and provide for the holding thereof by a circuit judge, without fixing the terms of the courts, and so limiting the number of judicial days as to enable him to reside, at such stated periods, in the several counties of his district. Such a thing as constant sessions of the circuit courts in each county of the State, we suppose, was not thought of by the framers of the Constitution.

Again, to say that the provision was, in anywise, designed to regulate the jurisdiction of the courts, would at once bring it into collision with article 4, section 17, which, in so many words, gives that power to the Legislature. It is hardly possible that the framers of the Constitution would have conferred such a power upon that body, and, in another clause, have taken away from it the power to regulate the jurisdiction of the courts, by the same instrument, effectually preventing its exercise.

But it is supposed that further remarks upon this point is unnecessary. It seems obvious that the section of the Constitution referred to, presented no obstacle to the exercise of legislative power complained of.

We are now to consider whether the section of the act in question comes in conflict with the provisions of the Federal and State Constitutions, holding that the enactment of laws impairing the obligation of contracts; and as said provisions are similar in effect, if not in terms, they may be treated as one and the same prohibition, so far as they relate to the act before us.

The meaning, effect, and scope of this constitutional inhibition were thoroughly and ably discussed by this court in the celebrated cases of Blair vs. Williams, and Lapsley vs. Brashear, 4 Littell, 35-47. In these cases it was settled, that the "legal obligation of a contract consists in the remedy given by law to enforce its performance, or to make compensation for the failure to perform it." And, in accordance with this view, the act of 1820—commonly called the two years' replevin or stay law, whereby the defendant in an execution was allowed to stay its collection for two years, unless the plaintiff would consent to receive in satisfaction thereof notes on the Bank of Kentucky or the Commonwealth's Bank—was pronounced unconstitutional and void as to pre-existing contracts, because it impaired their obligation, or the legal remedy whereby they could be enforced.

These cases, and the doctrine they establish, are relied on to show that the section of the act before us is a direct infraction of said constitutional prohibition.

It is contended that so much of it as forbade the courts from rendering judgments for debt, limited their jurisdiction to other cases, during the time specified in the title, impaired appellee's legal remedy to enforce his contract, by preventing him from obtaining his judgment as soon as he could have done under the previous law, and that, therefore, to such extent, it impaired the obligation of his contract, and is within the principle stated.

The principle laid down in said cases is recognized as authoritative, but, in our judgment, it is not applicable to the case in hand. This act, or rather the first section thereof, relates not to the remedy whereby a contract is to be enforced, but to the courts of the State which administer the remedy. It does not, like the act of 1820, undertake to alter contracts, by prescribing either what kind of funds the creditor shall receive, or what additional time he shall give to his debtor. Its whole province is to fix the periods within which the courts shall or shall not hear and decide such cases, and to prescribe what business they may or may not transact within such periods. It is in other words, substantially an act to limit—to regulate—the jurisdiction of the courts, an exercise of power over a subject placed, as we have seen, expressly within the control of the Legislature by the Constitution, and which, so far as we know, has never been denied to it, or seriously questioned, since the organization of the State. The legislative history of the State furnishes many instances of the exercise of this power, one of which we mention as similar, in some respects, to that now objected to.

By the law in force prior to the winter of 42-43, the circuit courts throughout the State were required to hold three regular terms a year, in each county, at which any business could be done, thereby giving to the creditor, at either term, the right to bring his action and obtain judgment for debts maturing just prior thereto. And upon debts within a jurisdiction of justice, he could sue at any time, and have his judgment, after proper service, without waiting for a regular term every three months.

By an act, however, passed during the session of 42-43, (session acts 1842-3,) the summer terms of the circuit courts, for the transaction of common law business, were abolished, and justices were allowed to hold their courts only four times a year. The effect of this law upon creditors was, to some extent, to postpone the obtaining of judgments on their demands, and to render the power of the Legislature in this instance, has not been seriously doubted, nor the law regarded as impairing the obligation of contracts.

Suppose, in the case before us, the act had been simply to postpone the Scott circuit court to the first Monday in June, and to take effect from its passage. This would have delayed the appellee in the procuring of his judgment upon the note, but could it have been regarded as impairing the obligation of his contract? Or, suppose the act had declared that there should be but one term of the circuit court in each county in the State, and had fixed that term in Scott in September, following its passage, would it have been deemed within the constitutional inhibition?

Certainly not. And for the reason that such legislation in regard to courts, prescribing their terms and jurisdiction, relates not to the remedy for enforcing the contract, but to the tribunals by which the remedy is to be administered.

But upon this point we have the opinion of our predecessors, in the case of Lapsley v. Brashear, supra, which it is thought best to give in the words of the distinguished jurist, (Judge Creswell,) who delivered the opinion: "But, remarked the court, it was said in argument, that if our construction of the Constitution prevails, the same system of courts must irrevocably remain, without even being subject to the control of the Legislature, as to the time of their sessions, contrary to the inviolable practice of all the States in the Union."

The conclusion is not, however, admitted to follow from the premises assumed. To give the argument any sort of plausibility, the position must first be established that courts constitute a part of legal remedies. But we deny the correctness of the position. Courts are erected for the purpose of deciding contested rights, when those rights are drawn in question, and brought before them through the instrumentality of remedies prescribed by law; but courts exist independent of those remedies, and, in a legal sense, compose no part of them. To create, alter, and abolish courts, is to change their jurisdiction, and to change which law properly within the sphere of legislative discretion, and we know of no provision in the constitution which limits the power of the Legislature upon that subject, except as to abolishing such courts as the constitution has established—though in exercising that power private rights may be incidentally affected.

Now, the section of the act complained of does not alter or abolish the courts, nor does it change their sessions. It does less than either—it merely prescribes what business they may do within a certain period of time; or, in other words, it limits their jurisdiction during such period, to certain classes of cases—a species of legislation of common occurrence, and undoubted constitutionality. For instance, some of the courts are required by law, at certain terms, to transact only criminal business, and at called terms nothing but criminal and chancery business can be done. What difference, in principle, is there between this kind of legislation and the act or section before us? Both forbid the transaction of certain description of business by the courts for specified times, and allow other business to be done during the same period; and both are, in effect, mere legislative regulations of the jurisdiction of the courts.

Suppose, at a called or special term of a circuit court, an attempt should be made to render a judgment for debt in an action by ordinary proceedings, could such action be upheld, or would such judgment be deemed valid? Most assuredly not. And why? Because the courts are to administer justice "by due course of law," and they have no power to render judgments, except at terms prescribed by law for the transaction of such business, or the trial of such cases, or at which such business is allowed by law to be done. Such procedure would be, emphatically, *coram non iudice*, and the judgment void, because forbidden by law; and why the judgment now complained of, which was also in disregard of a legislative regulation or inhibition, should be deemed operative and valid, we confess ourselves unable to perceive.

We conclude, therefore, that the section of the act referred to does not conflict with the constitutional provision prohibiting the enactment of laws impairing the obligation of contracts.

The objection that the purpose and evident design of the Legislature, as manifested by the act, is in opposition to the spirit and intent of the Constitution, may be briefly disposed of.

The intent and spirit of the Constitution are to be gathered alone from its provisions. If the framers of that instrument had intended to interpose any restriction upon the Legislature in regard to the jurisdiction or power of the courts, it is due to their wisdom and intelligence to suppose that they would have, in an appropriate manner, so expressed themselves, and not left such an important matter to mere inference or construction. And especially is this supposition to be indulged when we remember that the doctrine which teaches that the Legislature may exact any law that is not forbidden, by the fundamental law of the land, had been well established and received prior to the formation or adoption of the present Constitution.

The duty, and sole duty, of this department of the Government, when the Constitutional power of the Legislature to enact a law is questioned, is to look to the provisions of the Federal and State Constitutions, and if they do not, in express terms, or by necessary and proper implication, forbid the exercise of such power, the enactment must be adjudged valid, and enforceable as a law. Beyond the Constitutional restrictions, thus to be interpreted, the only limits upon the State Legislature in enacting laws are its own wisdom, sound judgment, and patriotism. And it may be added, that in doubtful cases, where it is not clear that the fundamental law has been invaded, courts rarely, if ever, interfere to arrest the operation of legislative enactments. Respect for the wisdom of a co-ordinate department of the Government, as well as sound policy, forbid such interference except upon clear and satisfactory grounds.

Something has been said as to the motives and necessities which may have superinduced the enactment of the law. Of these matters it becomes us not to speak. Such inquiries relate not to the constitutionality of the law, but to its policy, and pertain properly to the legislative, and not to the judicial department of the Government.

Our opinion, therefore, is, that the first section of the act in question is not unconstitutional, but is valid and enforceable as a law. And as the judgment complained of disregards said section, it is deemed erroneous and unauthorized.

Wherefore, said judgment is reversed, and case remanded for further proceedings not inconsistent with this opinion.

**A TERRIBLE SITUATION.**—In a new melodrama recently gotten up, a famous robber is taken and his head exhibited to the audience by being placed on a table in the center of the stage. To accomplish this to the life, the robber's body is fixed in the body of the table, and his neck is fitted into a hole so that to the audience, it looks precisely as though the man's head had been cut off and stood up in a pool of his own blood upon the table. On the fifth night of the exhibition, a wag got into the third tier of the stage boxes, and by some unexplained maneuver, managed to blow a lot of Scotch snuff over the stage just at the time the head was upon the table. As soon as the snuff had begun to settle down the head unmetedly sneezing, to the no small amusement of the audience, and as the sneezing could not be stopped, the curtain fell amid roars of laughter. The bowery boys were never before so pleased at any spectacle.

**A Cincinnati letter to the N. Y. Tribune says:**

"A merchant of this city, who has recently mingled in official circles at Washington, states that the President reads no newspaper much but the Louisville Journal."

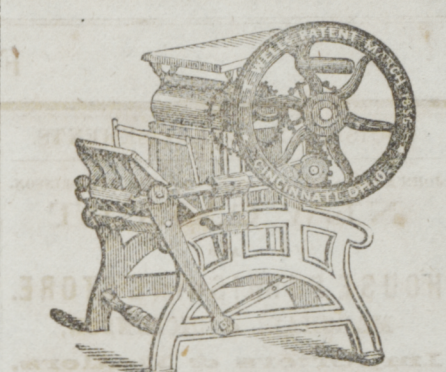
In cleaning the vaults of one of our prominent hotels in Warren, on Monday night, the remains of several infant children were found by the workmen, in various stages of decomposition. Three of the bodies were taken care of, with a view to an investigation, but while the coroner was being hunted up, one of them was stolen away and secreted. As I write (Tuesday morning) Coroner Reed is summing up a jury to investigate the matter, but it is doubtful about his being able to ferret out the heartless mothers, capable of such crime. This discovery discloses a terrible state of morals in our midst.

**Mahoning (O.) Sentinel.**

**Curing Hams.**  
Few persons understand the proper ingredients, and exact proportion, to make a suitable pickle for curing hams. This is the season when such curing is usually done. The desideratum is to cure the meat so that it will keep in hot weather, with the use of as little salt as possible. Pickle made in the following manner, it is believed, will accomplish this: 1 1/2 lbs. of salt—coarse or alum salt is best. 1 oz. saltpeter. 1 pint of molasses, or 1 lb. of brown sugar. 1 teaspoonful of saleratus.

Let these be added to one gallon of water, and the amount increased in the same proportion to make the quantity required. Bring the liquor to a boil, taking care to skim just before it begins to boil. Let the pickle cool, and pour it over the meat until entirely covered. The meat should be packed in clean, tight casks, and should remain in the pickle six or seven weeks, when it will be fit to smoke. Green hickory wood is the best article for this purpose. Shoulders prepared in the same way are equally as good as hams. This pickle is best for curing corned beef or corned beef tongues, or any lean meat for drying.

**Valley Farmer.**  
**Lots for Sale.**  
I HAVE several beautiful vacant building lots for sale. Call on me at my residence, So. E. 1/2, 13th St. THOS. A. TREBOLD.

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## Colonization Notice.

An expedition will sail from Baltimore City, on MAY 1st, 1862, for Liberia. The Kentucky State Colonization Society will send Free Colored Persons, residing in Kentucky, on their application to the Society, to Liberia by that expedition. They will be sent without charge to themselves. Also, Executors of Estates in Kentucky, having in charge servants freed to be sent to Liberia, can send them to Liberia in the same expedition, May 1, 1862.

Address REV. A. M. COWAN,  
Agt. Ky. State Col. Society, Frankfort, Ky.  
Papers published in Kentucky will please publish notice as a favor to the Society.  
February 14, 1862-2m.

## A. CONERY,

SIGN OF THE EAGLE.

(Successor to W. P. Loomis.)

Has just received a new assortment of

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Call and see them, and you will find Prices to suit the times.

J. P. Watches, Clocks, and Jewels repaired.  
Jan 17th & 18th

Louisville &amp; Frankfort &amp; Lexington &amp; Frankfort

RAILROADS.

On and after Monday, Feb. 10, 1862, trains will run daily (Sundays excepted) as follows: EXPRESS TRAIN will leave Louisville at 5 50 A. M., stopping at all stations when flagged, except Fair Grounds, Race Course, Brownburg, and Hell View, connecting at Cincinnati with stage for New Castle; at Frankfort for Lawrenceburg, Harrodsburg, and Danville; at Midway for Versailles; at Payne's Station for Georgetown; and at Lexington via railroad and stage for Nicholasville, Danville, Crab Orchard, Somerset, Richmond, Mt. Sterling, and all other towns.

ACCOMMODATION TRAIN will leave Louisville at 4 P. M., stopping at all stations, when flagged, as far as Frankfort, and returning will leave Frankfort at 5 30 A. M., arriving at Louisville at 9 A. M. EXPRESS TRAIN leaves Lexington at 9 P. M., and arrives at Louisville at 11 A. M.

FREIGHT TRAINS leave Louisville Mondays, Wednesdays, and Fridays.

FREIGHT TRAINS leave Lexington on Tuesdays, Thursdays, and Saturdays.

Freight is received and discharged from 7 30 A. M. to 5 P. M.

Through tickets for Danville, Harrodsburg, Crab Orchard, Somerset, Richmond, Mt. Sterling, Winchester, Nicholasville, Georgetown, Shelbyville, and other towns in the interior for sale, and all further information can be had at the Depot in Louisville, corner of Jefferson and Brook streets.

Feb. 3, 1862. S. M. ELI GILL, Superintendent



Prayer by the Rev. Mr. McABRETT, of the Methodist Episcopal Church, South.

No quorum being present, a call of the Senate was ordered.

A sufficient number of Senators having appeared, the call was suspended, and the Clerk read the journal of yesterday.

## PETITION.

Mr. McCLEURE presented a petition from school district No. 36. Education.

## REPORTS.

Mr. McHENRY, of the Judiciary Committee, reported a bill to amend the charter of the city of Louisville. Passed.

Same—A bill to incorporate the Louisville Bridge Company. Passed.

Same—A bill to amend section 239, Civil Code of Practice. Re-committed.

Mr. SPEED, of the Judiciary Committee, reported a bill to incorporate Germania Lodge, No. 143, I. O. O. F. Passed.

## EXPLANATION OF SENATORS.

Mr. SPEED, from a Select Committee, to whom was referred a resolution in relation to absent members, reported the following preamble and resolution:

It having been made to appear that Wm. T. Anthony, Senator from Allen county, is actively engaged in the rebellion against the Government, it is

Resolved, That said Wm. T. Anthony, being a traitor, be expelled from the Senate.

The vote being taken on the passage of the resolution, resulted thus:

YEAS—Messrs. Speaker (Fisk), Alexander, Bruner, Bush, Chambers, Cockrell, DeHaven, Denny, Field, Glenn, Goodloe, Grier, Grover, M. P. Marshall, McClure, McHenry, Prall, Read, Robinson, Spalding, Speed, and Worthington—23.

NAYS—None.

Mr. SPEED then reported in regard to the Senator from McCracken (Dr. JOHNSON), two reports—one of the majority, the other of the minority of the committee.

The majority report offered a resolution—“That John M. Johnson, Senator from McCracken county, be expelled from the Senate.”

Mr. READ offered a preamble and resolution as a substitute, as follows:

WHEREAS, The Senate has learned with regret that Senator John M. Johnson, the member from Paducah district, has gone to Nashville, Tenn., and is now employed as a surgeon in the Confederate army; therefore

Resolved, That Senator John M. Johnson be, and he is hereby, expelled from this body, and his seat is declared vacant.

Which was accepted in lieu of the original resolution.

Mr. BUSH moved to strike out of the preamble the words “with regret,” and insert that “he had traitorously gone, &c.”

Mr. McHENRY offered an amendment, declaring the seat of Dr. JOHNSON vacant, and directing the SPEAKER to issue his warrant of election.

All the propositions were withdrawn, and a resolution offered by Mr. BRUNER, which was adopted. It reads, in substance, as follows:

WHEREAS, John M. Johnson, Senator from McCracken, has left his seat, and gone within the lines of the so-called Confederate States, and holds position in the rebel army;

Resolved, That John M. Johnson be expelled from the Senate.

The vote was as follows:

YEAS—Mr. Speaker Fisk, Alexander, Bruner, Bush, Chambers, Cockrell, DeHaven, Denny, Field, Glenn, Goodloe, Grier, Grover, M. P. Marshall, McClure, McHenry, Prall, Read, Robinson, Spalding, Speed, Worthington—23.

NAYS—None.

The committee asked to be discharged from the further consideration of the case of the Senators from Owen, Boone, and Todd.

## HOUSE BILL.

An act repealing an act to change the time of holding the Lincoln and Pulaski county court. Passed.

Mr. COCKRILL offered resolutions of respect to the memory and merit of Walter Chiles, Esq., deceased, late Senator from Montgomery, which were adopted. They read as follows:

WHEREAS, It has pleased Almighty God to remove, by the hand of death, since the last meeting of the General Assembly, Walter Chiles, Senator from the 35th district, therefore, be it

Resolved, That this body has learned, with deep grief, of the death of their late companion, associate, and friend—one who combined in himself the qualities of an eminent lawyer, a courteous gentleman, an able statesman, and a loyal Union patriot, and whose loss to the State, in this, her time of sore trial, will long be deeply felt.

Resolved, That we cherish the kindest remembrance of the character and useful qualities of our deceased brother Senator, and of his loyalty and devotion to the interest of this Commonwealth and his whole country.

Resolved, That in token of our respect for his memory, this Hall be draped in mourning, and we will wear the usual badge for thirty days.

Resolved, That, as an evidence of our condolence with the bereaved family of the deceased Senator, the Speaker of this body be requested to transmit to them a copy of these resolutions.

Resolved, That the Senate do now adjourn.

## HOUSE OF REPRESENTATIVES.

Prayer by the Rev. W. M. C. ABBETT, of the Methodist Episcopal Church, South.

Were presented by Messrs. WEBSTER, BROWNE, MURPHY, and R. C. ANDERSON, and appropriately referred.

Mr. ANDREWS—Judiciary—A bill to amend the Revised Statutes in relation to the appointment of sheriffs.

Ordered, that the bill be printed, and made the special order for Tuesday next, at 11 o'clock, A. M.

The bill reads as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a vacancy in the office of sheriff shall be temporarily filled by the county court until the next succeeding August election, and until the successor then chosen shall qualify. A writ of election to fill the vacancy, shall be issued by the court; or, if the judge is not at the time in the county, by the clerk, under the order of two justices of the peace. The person so chosen shall enter upon the duties of his office as soon as he qualifies according to law.

§ 2. That when any of the county courts of the Commonwealth have made appointments to fill vacancies in the office of sheriff, when one year or more of the term was unexpired, such appointments shall be valid, and entitle the person so appointed to hold and exercise the office until the next August election; and all the past official acts of persons so appointed shall be as good and valid as if they had been regularly elected to the office by the qualified voters of their respective counties.

§ 3. That section twelve of article three, of chapter ninety-one, of the Revised Statutes, be, and the same is hereby, repealed.

§ 4. This act shall take effect from its passage.

Mr. HUSTON—A bill to amend the law concerning executions.

Ordered, that the bill be printed and placed in the orders of the day.

The bill reads as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on sales of property hereafter to be made under execution, the sheriff, or other officer, shall appropriate the purchase money ratably amongst the executions that have come to his hands against the same defendant or defendants whose property is sold, issued on judgments rendered at the same term of the court; and where there shall be an execution in the hands of the coroner, on such a judgment, it shall have its ratable proportion as if it had been in the hands of the sheriff; it shall be the duty of the clerk, when he issues an execution, to indorse thereon at what term the judgment was rendered on such issue.

§ 2. When a forthcoming bond shall be forfeited, the sheriff return a schedule of the executions aforesaid in his hands at the time of the forfeiture, and executions may issue thereon for the benefit of said executions, *pro rata*.

§ 3. When a sale bond shall be taken in such cases, the sheriff shall return a schedule of the executions aforesaid in his hands at the time of the sale, and execution may issue for the benefit of said executions, *pro rata*.

Also—A bill to amend the act to prevent fraudulent assignments in trust for creditors and other fraudulent conveyances, approved March 10, 1856.

The bill reads as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That every sale, mortgage, or assignment made, or judgment suffered, by any person who, at the time, is insolvent, the effect of which shall be to prefer one or more creditors or sureties to the exclusion, in whole or in part, of others, shall operate as an assignment and transfer of all the property and effects of such debtor, and shall inure to the benefit of all his creditors, including those which are future and contingent, in proportion to their respective demands, except as in this act, and the act to which this is an amendment, provided. But nothing herein shall vitiate or affect a sale made in good faith, upon a valuable and sufficient consideration, not being a debt or liability previously contracted, or a mortgage to secure a debt created simultaneously with a mortgage, where the vendee or mortgagee shall, in good faith, be ignorant of any intent on the part of the vendor or mortgagor, by means of the sale or mortgage, to make such preference as is above prohibited.

§ 2. That in addition to the debts to which preference is given by the seventh section of the act to which this is an amendment, the debts due as trustee shall also be preferred, where the trust is created by a deed or will duly recorded in the proper clerk's office.

§ 3. That no creditor shall receive any share or portion of the assets of such insolvent, until he shall have verified his claim as required by law in regard to claims against the estates of persons deceased.

Mr. R. J. BROWN offered the following as a substitute for the above bill:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled “An act to prevent fraudulent assignments in trust for creditors, and other fraudulent conveyances,” approved March 10, 1856, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from and after its passage.

Ordered, that the bill and substitute be printed and made the special order for Tuesday next at 11 o'clock, A. M.

NEW MEMBERS.

Mr. THOS. S. BROWN, the member elect from the counties of Floyd and Johnson, in place of John M. Elliott, expelled, appeared and took the oath prescribed by the Constitution of Kentucky.

REPORTS RESUMED.

Mr. JOHN R. THOMAS—Judiciary—A bill to amend the law in relation to descent and distribution.

Ordered, that the bill be printed, and placed in the orders of the day.

The bill reads as follows:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That subdivision 5, of section 11, of chapter 80, of the Revised Statutes, concerning descent and distribution, and an act, entitled “An act allowing additional property to widows,” approved March 6, 1854, be, and the same are hereby, amended as follows, to-wit: That in case a husband shall die, not leaving all the articles of property which are now by law set apart for the use of the widow and the infant children, if any, living with her, but shall leave other articles of household and kitchen furniture, the widow may retain of same such articles as she may choose, not exceeding, in all, two hundred dollars in value.

§ 2. That in case there shall not be on hand at the husband's death a sufficiency of bread-stuff and animal food for the use of the widow and infant children, if any, living with her, for twelve months, nor any or not enough in value of growing crops to supply the deficiency, then the widow may retain, of any other personal property on hand, an amount equal in value to such deficiency.

§ 3. That the same personal property which is set apart for the use of the widow by this act, and those acts to which this is an amendment, shall be exempt from attachment and execution.

§ 4. This act to take effect from its passage.

RESOLUTIONS.

Mr. BURNAM moved the following resolution:

Resolved, That the Sergeant-at-Arms be directed to prepare a list of the names, residences, ages, occupations, and post-office address of the members of this House, and have 150 copies of the said list printed for the use of the members, and that the Clerk append the same to the House journal.

Mr. ANDREWS moved to strike out “age.” Rejected.

Mr. M. YOUNG moved to strike out occupation. Rejected.

Mr. SPARKS moved to amend by taking the number of children for whose existence the members are responsible, not omitting the unmarried members. Rejected.

The resolution was then adopted.

REPORTS RESUMED.

Mr. GEO. R. THOMAS—County Courts—A bill for the benefit of W. T. Samuels, clerk of the Hardin county court. Passed.

Also—A bill for the benefit of John C. Adams, Judge of the Greenup Quarterly Court. [This bill allows the Judge further time to collect his fee bills.]

Some objection was made to the bill, because the Judge is understood to be a “rebel.”

Mr. ANDREWS doubted the propriety of indiscriminate legislation upon the subject of granting time for collection of fee bills.

The bill was then placed in the orders of the day.

Mr. HUSTON—Revised Statutes—A bill to repeal an act approved December 20th, 1861, fixing the times for holding the Lincoln and Pulaski Circuit Courts. Passed.

Mr. CLEVELAND—Select Committee—A bill for the benefit of P. H. Clayton, late sheriff of Bracken county. Passed.

LEAVE.

Was granted to bring in the following bills:

Mr. WOLFE—A bill to amend an act to cause writings to be made in the English language. Judiciary.

Mr. HEADY—A bill for the benefit of S. M. May. Judiciary.

Mr. CLEVELAND—A bill to establish a coal oil inspection. Judiciary.

Mr. PROCTOR—A bill providing for ex-

aminers to take depositions of soldiers. Military Affairs.

Mr. JOHNS—A bill for the benefit of Armistead Burchett, late jailer of Lawrence county. Kentucky. The Committee on Retrenchment and Reform are instructed and requested to report a bill to this House, at as early a day as practicable, reducing the salary of every officer of this State, that is paid out of the Treasury, including the Senators and Representatives, whenever the same can be reduced according to the constitution of Kentucky.

Resolved, That after the first day of next August the salary of each circuit judge in the State in Kentucky shall only be \$1,400, and the Commonwealth's attorney, \$800.

Mr. WARD offered a resolution appointing a committee to inquire into the cause and circumstances of the arrest of Dr. A. B. Chambers, the Representative from the county of Gallatin, by the military authorities of the United States, which was adopted.

ORDERS OF THE DAY.

A bill to amend the law in relation to devises, bequests, descent, and distribution. [The “Pennsylvania 60 day bill.”] Rejected.

A bill to amend the law in relation to billiards. [Reduces the license fee to \$50 for the first table, and \$25 for each additional table.] Made special order for Friday next at 11 o'clock, A. M.

And then the House adjourned.

TELEGRAPHIC.

(Tribune Correspondence.)

WASHINGTON, Feb. 13.

Senator Sumner's resolutions on the relations between the United States and the rebel territory, were laid on the table at his motion, whence they can be called up whenever he thinks best. A bill organizing the territory into a territorial government on the principles of the resolutions, will shortly be reported by the territorial committees of both Houses.

Another bill, establishing a provisional government in South Carolina, has been sanctioned by the Senate, and the President has yet, it is believed, been refused by the War Department in the Hunter and Lane matter. Gen. Lane is still waiting at Leavenworth for news from Washington. We have the authority of Mr. Covode for saying that he made the original arrangement with Secretary Cameron by which the Government agreed to furnish General Lane with the troops he wanted, and that throughout the negotiation General Hunter's name was not used, and there was no intimation that any one except General Lane was to have the command.

D. C. McCallan, formerly manager of the New York and Erie railroad, confessedly among the first of his profession in this country, was to-day appointed by the Secretary of War to take charge of and operate the railroad taken possession of by the Government. The office being military, the rank and pay of Colonel was conferred with the appointment.

It is probable that an important command in Texas will be entrusted to Gen. Fremont, and that, for reasons of obvious fitness, the troops assigned to him will be exclusively Germans.

President Lincoln to-day voluntarily appeared before the House Judiciary Committee and gave testimony in the matter of the premature publication in the Herald of a portion of his last annual message.

Chevalier Wyckoff was then brought before the Committee and answered the questions which he refused to do yesterday, stating, as he remarked, that the stolen paragraph was furnished to the Herald by Watt, the President's gardener, who was reported as disloyal by the Potter Committee, and whose nomination to a Lieutenantcy the Senate so decidedly refused to confirm.

Gen. Sherman, at Beaufort, proposes that the Government shall take charge of the plantations coming into its hands, and shall raise the cotton, employ, and pay the negroes, keeping the latter under strict discipline of overseers. He also proposes that suitable teachers be provided for the blacks, and religious instruction be given.

WASHINGTON, Feb. 14.

A special messenger arrived this morning, bringing the following dispatches:

U. S. FLAG STEAMER PHILADELPHIA, }  
OFF ROANOKE ISLAND, Feb. 9, '62.

“Roanoke Island is ours. The military authorities struck to us yesterday. Their means of defense were truly formidable, and they were used with a determination worthy of a better cause. They consisted of two elaborately constructed works, mounting together twenty-two heavy guns, three of them being 100 pounders rifled. Four other batteries, mounting together twenty guns, a large proportion of them being of large caliber—some of them rifled—eight steamers mounting two guns each, and each having a rifled gun with the diameter of a 32 pounder, a prolonged obstruction of sunken vessels, and piles to thwart our advance, and altogether a body of men numbering scarcely less than five thousand, of whom three thousand are now our prisoners.

“The fighting commenced on the morning of the 7th, about 11 o'clock, and was continued until dark. The following morning it was resumed at an early hour, and it lasted until late in the afternoon, when, by a bold charge by our army, the rebel flag was made to succumb, and our own was hoisted everywhere on the island in its place.

“No attack could have been more completely executed, and it was carried out in accordance with the arrangements made before the expedition left Cape Hatteras Inlet.

“J. M. GOLDSBOROUGH, }  
“Flag Officer.”

SECOND DISPATCH.

“Just as I closed my dispatch of yesterday, I received reliable information that the rebel steamers which escaped had gone to Elizabeth City, and thereupon I immediately ordered Commander Rowan to take thirteen of our steamers under his command to go in pursuit of them, and also, if practicable, to execute another service, namely, the obstruction of the North River, a link of the Alabama and Chesapeake canal. The way he has already accomplished the first part of it, his own preliminary report, a copy of which I herewith inclose, will inform you.

“I am, &c., }  
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U. S. STEAMER DELAWARE, }  
OFF ELIZABETH CITY, Feb. 10, '62.

“Sir: I have to report that I have met the enemy off this place this morning at 9 o'clock, and, after a very sharp engagement, have succeeded in destroying or capturing his entire naval force, and silencing and destroying a battery on Cobbs point. The only vessel saved from destruction is the Ellis, Capt. J. M. Cooke, who was wounded, and is a prisoner on board this ship. I have other prisoners. I am happy to say that our casualties are few, considering the warmth of the enemy's fire—say two or three killed and some wounded. The conduct of the gallant men I have the honor to command is worthy of all praise. None of our vessels are severely injured. I shall leave here with a small force and visit the canals, and take a look into the other places before I return.

“I have the honor to be, &c., &c., }  
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No official dispatch, but merely a private letter, up to 1 o'clock to-day, has been received from Gen. Burnside.

PHILADELPHIA, Feb. 14.—The Inquirer has a dispatch about the Burnside expedition, saying that the enemy were pursued for several hours, and that two complete regiments on their way to reinforce the fort were captured.

Every road was lined with the guns, knep-

to the financial condition of his country, and especially to his own State, and thus husband his own resources; therefore,

Be it resolved by the House of Representatives of Kentucky, That the Committee on Retrenchment and Reform are instructed and requested to report a bill to this House, at as early a day as practicable, reducing the salary of every officer of this State, that is paid out of the Treasury, including the Senators and Representatives, whenever the same can be reduced according to the constitution of Kentucky.

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Governor Wise's son was shot through both legs and the lungs, and died the following day.

Acting Brigadier General Hill and Colonels Shaw, Gordon, and Green were captured, with a large number of subordinate officers.

The Federal gunboat Commodore Perry ran down the rebel flag ship Sea Bird, having on board Commander Lynch, cutting her apart. Our men boarded her. During the encounter which ensued, a portion of her officers and crew jumped overboard, and others had their brains knocked out with handspikes.

Later rebel accounts state that Commander Lynch has not yet been heard from. He was probably drowned during the fight.

Assistant Secretary of the Navy, Fox, has also received a private letter, in which it is stated that the number of killed of our navy is about twenty, and of our army about thirty.

CHICAGO, Feb. 14.

Capt. Willard, of the Chicago Light Artillery, left Fort Henry day before yesterday, at half-past ten o'clock, and reached this city to-day. From him we learn that artillery left Fort Henry for Fort Donelson between 3 and 4 o'clock on the morning of the 12th, with six regiments of infantry. Gen. Grant and staff and body-guard left at 10 o'clock on Saturday, and the rear guard at 2 P. M.

The whole force was 40,000 men, with 27 pieces of light artillery.

At 4 o'clock on the morning of the same day, eleven regiments left Paducah under convoy of gunboats to go up Cumberland river, making our whole force over 50,000 men. The gunboats expected to reach Fort Donelson at 7 o'clock yesterday, and it was designed to attack that fort with the whole force yesterday afternoon.



## This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and small brown spots, possibly due to age or handling. A dark, irregular stain is visible along the bottom edge of the page.